



House of Representatives

General Assembly

File No. 93

February Session, 2014

Substitute House Bill No. 5340

House of Representatives, March 25, 2014

The Committee on Judiciary reported through REP. FOX, G. of the 146th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING THE LIABILITY OF A LANDOWNER WHO PERMITS MAPLE-SUGARING ACTIVITIES ON THE LAND.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-557k of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2014*):

3 (a) As used in this section: (1) "Owner" means the possessor of a fee
4 interest, a tenant, occupant or person in control of the premises; (2)
5 "harvesting" means the cutting and removal of designated standing
6 trees, down trees, tree tops and other logging slash or debris suitable
7 for use as firewood or the picking and removal of designated fruits or
8 vegetables; (3) "charge" means the fee asked in return for a specified
9 volume of firewood or a specified volume of fruits or vegetables and
10 the right to harvest such firewood or such fruits or vegetables; and (4)
11 "maple-sugaring" means the collection of sap from any species of tree
12 in the genus Acer for the purpose of boiling to produce food.

13 (b) Any owner of land who invites or permits any person (1) to

14 enter the land or a part thereof to harvest firewood, with or without
 15 charge, or (2) to enter the land or a part thereof to harvest fruits or
 16 vegetables or engage in maple-sugaring activities, without charge, on
 17 behalf of a nonprofit organization or nonprofit corporation for use by
 18 such nonprofit organization or nonprofit corporation or for
 19 distribution to other nonprofit organizations or nonprofit corporations,
 20 shall not be liable for damages as a result of injury to such person
 21 when such injury arises out of the use of the land or out of the act of
 22 harvesting firewood, [or] harvesting fruits or vegetables, or engaging
 23 in maple-sugaring activities, unless such injury is caused by such
 24 owner's failure to warn of a dangerous hidden hazard actually known
 25 to such owner.

26 (c) This section shall not apply to (1) an owner who sells more than
 27 one hundred cords of firewood each calendar year, (2) an owner who
 28 operates a "pick or cut your own agricultural operation" as defined in
 29 section 52-568a, [or] (3) an owner who operates an agricultural
 30 operation to which the public is invited and charged for produce
 31 harvested and removed from the land, or (4) an owner who operates a
 32 maple-sugaring operation to which the public is invited and charged
 33 for products derived from the maple-sugaring operation or collects a
 34 fee from other persons for maple-sugaring on the owner's property.

This act shall take effect as follows and shall amend the following sections:

Section 1	October 1, 2014	52-557k
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JUD *Joint Favorable Subst.*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which gives immunity to landowners under specified conditions, does not result in a fiscal impact.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sHB 5340*****AN ACT CONCERNING THE LIABILITY OF A LANDOWNER WHO PERMITS MAPLE-SUGARING ACTIVITIES ON THE LAND.*****SUMMARY:**

Under certain conditions, this bill gives landowners immunity from civil liability for injuries sustained by people they invite or permit on their land, without charge, to engage in maple-sugaring activities.

The immunity applies only if the people are engaging in maple-sugaring on behalf of a nonprofit organization or corporation for its own use or for distribution to other nonprofit organizations or corporations. The immunity applies to injuries arising from use of the land or engaging in such maple-sugaring activities. But it does not apply to:

1. injuries caused by the owner's failure to warn of a dangerous hidden hazard he or she knows about or
2. an owner who (a) operates a maple-sugaring operation to which the public is invited and charged for products from the operation or (b) collects a fee from others for maple-sugaring on his or her property.

The bill applies certain existing provisions to such maple-sugaring activities, thus specifying that the immunity also does not apply to an owner who:

1. sells more than 100 cords of firewood each year,
2. operates a "pick or cut your own agricultural operation," or
3. operates an agricultural operation to which the public is invited

and charged for produce harvested and removed from the land.

The bill defines “maple-sugaring” as the collection of sap from any species of the Acer tree for the purpose of boiling it to make food.

The immunity covers landowners as well as tenants, occupants, or others in control of the property.

EFFECTIVE DATE: October 1, 2014

BACKGROUND

Common Law Premises Liability

Under common law, landowners or others in possession of land owe people entering their land a duty of care, based on the person’s status, and can be held liable for injuries caused by a breach of those duties. For example, a possessor of land owes a common law duty to invitees to inspect and maintain the premises to keep them reasonably safe. The legislature can modify this liability.

COMMITTEE ACTION

Judiciary Committee

Joint Favorable Substitute

Yea 42 Nay 0 (03/10/2014)